

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID ALLEN : CIVIL ACTION

v. :

DELAWARE COUNTY/GEORGE W. HILL : NO. 07-3304
CORRECTIONAL FACILITY

M E M O R A N D U M

LUDWIG, J. SEPTEMBER 11th , 2007

Plaintiff, a prisoner at the George W. Hill Correctional Facility, has filed a pro se 42 U.S.C. § 1983 civil rights complaint against Delaware County and the George W. Hill Correctional Facility. He alleges that he was falsely imprisoned for eight months after he posted bail. As relief, plaintiff seeks money damages.

With his complaint, plaintiff filed a motion to proceed in forma pauperis. Because it appears that plaintiff is unable to prepay the cost of commencing this action, leave to proceed in forma pauperis is GRANTED. However, for the reasons which follow, this complaint is DISMISSED as legally frivolous pursuant to 28 U.S.C. § 1915(e), with leave to file an amended complaint.

Plaintiff has named Delaware County and the George W. Hill Correctional Facility as the defendants in this civil action. In order to bring an action against a municipal entity, a plaintiff must allege that unlawful actions were taken pursuant to a municipality's policies, practices, customs, regulations or enactments. Monell v. Department of Social Services, 436 U.S. 658 (1978). Plaintiff has made no such claims against the

defendants, and has, therefore, failed to state a cause of action against them.

Because plaintiff is pro se, he will be granted leave to file an amended complaint. The amended complaint must: (1) identify all the individuals who allegedly violated his constitutional rights and list each such person as a defendant in the caption of the amended complaint; and (2) describe how each named defendant violated his constitutional rights and what harm plaintiff suffered, if any, from each violation.

An appropriate Order follows.

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O R D E R

AND NOW, this 11TH day of September, 2007, IT IS HEREBY
ORDERED that:

1. Plaintiff's Motion for Leave to Proceed In Forma Pauperis is GRANTED;

2. Plaintiff, David Allen, #06007232, shall pay the full filing fee of \$350 pursuant to 28 U.S.C. § 1915(b). Based on plaintiff's financial statement, an initial partial filing fee of \$28.40 is assessed. The Warden or other appropriate official at the George W. Hill Correctional Facility or at any other correctional facility at which plaintiff may be confined, is directed to deduct \$28.40 from plaintiff's prisoner account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 2609 U.S. Courthouse, Philadelphia, PA 19106, to be credited to Civil Action No. 07-3304. After the initial partial filing fee is collected and until the full filing fee is paid, the Warden or other appropriate official at the George W. Hill Correctional Facility or at any prison at which plaintiff may be confined, shall deduct from plaintiff's account, each time that plaintiff's prisoner account exceeds \$10, an amount no greater

than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 07-3304;

3. Plaintiff's complaint is **DISMISSED** as legally frivolous pursuant to 28 U.S.C. § 1915(e), with leave to file an amended complaint as provided in the accompanying Memorandum within thirty (30) days from the date of this Order. Upon the filing of an amendment, the Clerk shall not make service until so ORDERED by the Court;

4. The Clerk of Court is directed to send a copy of this order to the Warden of the George W. Hill Correctional Facility; and

5. This case shall remain CLOSED for statistical purposes.

BY THE COURT:

/s/ Edmund V. Ludwig
Edmund V. Ludwig, J.